

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

HUANG ZHIYANG,

Plaintiff,

v.

45.COM, an Internet domain name, and
JOHN DOE,

Defendants.

Civil Action 1:20-cv-836-LO-IDD

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION FOR WITHDRAWAL
OF THE APPEARANCE OF WILEY REIN LLP AS COUNSEL FOR PLAINTIFF**

Attison L. Barnes, III and the law firm of Wiley Rein LLP (hereinafter, collectively, the “Firm”), respectfully submit this Supplemental Memorandum in Support of the Motion to Withdraw as Counsel for Plaintiff.

1. On Friday, June 4, 2021, the Firm filed a Motion to Withdraw as Counsel for Plaintiff (the “Motion”) [ECF No. 26]. Cognizant of the unique nature of this proceeding and that this Court is also hearing an evidentiary matter, the Firm was hesitant to provide detailed information in its memorandum in support of the Motion [ECF No. 27].

2. The Firm files this Supplemental Memorandum to further aid the Court in its determination of the Motion.

3. Without intending to waive, and without waiving, the attorney-client privilege or any other protection that may exist, the Firm understands that Plaintiff Huang Zhiyang (the “Client”) can no longer afford to pay the Firm due to the financial impact of the ongoing identity theft that necessitated the litigation.

4. In the absence of the Client's ability to pay the Firm (including for a portion of the past services rendered), the Firm cannot continue to represent the Client and has no authority from the Client to act as counsel going forward, including, without limitation, at the scheduled evidentiary hearing and/or further proceedings in this litigation concerning ownership of the 45.com domain name.

5. Pursuant to the Virginia Rules of Professional Conduct, a lawyer may withdraw from representing a client if "the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled; . . . or (6) other good cause for withdrawal exists." Virginia Rules of Professional Conduct 16(a)(3), 1.16(b)(4).

6. Therefore, under Rule 1.16(b)(4), there are sufficient grounds for the Firm to withdraw in light of the Client's inability (and thus failure) to fulfill an obligation to the Firm (i.e. payment for services) after notice of amounts due and notice that the Firm will withdraw absent payment. The Firm further understands that it would not also be paid for rendering any services to Plaintiff going forward.

7. In addition, under Rule 1.16(b)(6), there are sufficient grounds for the Firm to withdraw in light of the Firm's lack of authority to act as counsel for the Client including, without limitation, at the scheduled evidentiary hearing and/or further proceedings in this litigation.

8. Again, without waiving any privilege or protection, the Client has been made aware of the Firm's intent to withdraw multiple times over the last month and has raised no objection. *See* Virginia Rules of Professional Conduct 1.16(d).

9. To be clear, the Firm has no indication that Client is not the lawful owner of the 45.com domain name as asserted in the Verified Complaint [ECF No. 1] and Second Declaration of Huang Zhiyang [ECF No. 21-1], having received banking and other documents from the Client supporting his position.

10. As set forth in its initial Motion, the Firm has provided contact information for the Plaintiff for future notice in this proceeding upon the granting of this Motion.

WHEREFORE, the Firm respectfully requests that the Court enter an Order granting Wiley Rein LLP, and all attorneys associated with Wiley Rein LLP, leave to withdraw as counsel for Plaintiff in this matter and grant such further relief as the Court deems proper.

Dated: June 8, 2021

By: /s/ Attison L. Barnes, III
Attison L. Barnes, III (VA Bar No. 30458)
WILEY REIN LLP
1776 K St. NW
Washington, DC 20006
(202) 719-7000 (phone)
(202) 719-7049 (fax)
abarnes@wiley.law

CERTIFICATE OF SERVICE

I, Attison L. Barnes, III, hereby certify that on June 8, 2021, I electronically filed the foregoing by using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Attison L. Barnes, III

Attison L. Barnes, III, Esq. (VA Bar No. 30458)

WILEY REIN LLP

1776 K Street, NW

Washington, DC 20006

Tel: (202) 719-7000

Fax: (202) 719-7049

abarnes@wiley.law